THE HON'BLE MR JUSTICE K.C. BHANU

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WRIT PETITION NO: 13550 of 2005

Dt.19-09-2005

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Between:

Banda Srinivas S/o Srihari.

…Petitioner

and

1. Sri Lakshminarasimha Swamy Vari Devasthanam,

Dharmapuri village and Mandal,
Karimnagar District and another.

…Respondents

THE HON'BLE MR JUSTICE K.C. BHANU

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WRIT PETITION NO: 13550 of 2005

ORDER: -

Declaring the action of the first respondent in trying to dispossess the petitioner from the premises bearing H.No.10-82 (Old) i.e. 10-92 (New), Dharmapuri

Grampanchayat, Dharmapuri Mandal, Karimnagar District, without issuing notice to the petitioner as highly illegal and arbitrary, this writ petition is filed.

2. When the matter has been taken up on 15-09-2005, none appeared for the petitioner and therefore, the matter was directed to be listed today. Even today, when the matter is called, none appeared for the petitioner. Heard learned Counsel appearing for the first respondent, and learned Government Pleader for Endowments and perused the material on record.

3. According to the averments mentioned in the affidavit filed in support of the writ petition, the petitioner is the absolute owner of the property bearing H.No.10-82 (Old) i.e 10-92 (New) situated at Dharmapuri Grampanchayat, Dharmapuri Mandal, Karimnagar District, having purchased the same under a registered sale deed dated 04-07-1998, that since then he has been in possession and enjoyment of the property, and that the first respondent, without following due process of law and without initiating land acquisition proceedings, had been threatening him to vacate the said premises.

4. The first respondent filed a detailed counter denying the averments mentioned in the affidavit of the petitioner and contended that the petitioner along with others donated the house property bearing
No.10-82 (old) 10-92 (new) of Dharmapuri village in favour of the first respondent Devasthanam under a Gift Deed dated 24-04-2001 and possession of the property was also delivered on the same day as per the recitals of the Gift Deed; therefore, now the question of dispossessing the petitioner does not arise.

5. The learned Counsel for the respondents also contended that the possession of the property in question was delivered to the first respondent Devasthanam long back.

6. Since it is a disputed question of fact, the same cannot be decided in exercise of the powers under article 226 of the Constitution of India and the writ petition is devoid of merits.

7. Hence, the writ petition is accordingly dismissed at the stage of admission itself.

JUSTICE K. C. BHANU

Dt.19-09-2005

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